

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LES PAUL JONES, JR.,

Plaintiff,

v.

CITY OF WYOMING, et al.,

Defendants.

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Case No. 1:24-cv-439

Hon. Hala Y. Jarbou

**ORDER**

On January 15, 2025, the magistrate judge entered a report and recommendation (“R&R,” ECF No. 18) that this case be dismissed for lack of subject matter jurisdiction because, under the doctrine of *Younger v. Harris*, 401 U.S. 37 (1971), Plaintiff must raise his constitutional challenges to the criminal proceeding against him in the state court overseeing that proceeding. Plaintiff did not object to the R&R within the specified time and presented no grounds for avoiding *Younger* abstention to the magistrate judge.

Reviewing the magistrate judge’s determinations de novo, Fed. R. Civ. P. 72(b)(3), the Court adopts the R&R in full, except as to the magistrate’s recommended dismissal of the action. First, contrary to the R&R, a pending state criminal enforcement action does not divest this Court of its jurisdiction over the state-court defendant’s federal claims. *Younger* instead directs the Court not to exercise jurisdiction it retains throughout. Second, a federal district court that abstains from exercising its jurisdiction over a complaint that seeks money damages in addition to injunctive or declaratory relief may either dismiss the complaint outright or stay the action in case the state-court defendant prevails on their constitutional claims and becomes entitled to damages. *James v. Hampton*, 513 F. App’x 471 (6th Cir. 2013) (citing *Superior Beverage Co. v. Schieffelin & Co.*, 448 F.3d 910, 913 (6th Cir. 2006)). When confronted with complaints seeking both declaratory

and injunctive relief and money damages warranting *Younger* abstention, this Court has elected to stay rather than dismiss the action. *Schwab v. Kent Cnty. Parole Dir.*, No. 1:20-cv-669, 2020 WL 5087881 (W.D. Mich. Aug. 28, 2020); *see also Satkowiak v. McClain*, No. 1:23-cv-13096, 2024 WL 3448445 (E.D. Mich. July 16, 2024) (staying federal action barred by *Younger*), *aff'd*, No. 24-1600, 2024 WL 5088685 (6th Cir. Dec. 12, 2024); *Watkins v. Ohio Dep't of Educ.*, No. 2:21-cv-04482, 2022 WL 672565, at \*8 (S.D. Ohio Mar. 7, 2022) (collecting cases). The Court follows that course again today.

Accordingly,

**IT IS ORDERED** that the R&R (ECF No. 18) is **APPROVED** and **ADOPTED IN PART** as the opinion of the Court. The Court **REJECTS** the R&R insofar as it recommends dismissal for lack of subject matter jurisdiction.

**IT IS FURTHER ORDERED** that this action is **STAYED** and administratively **CLOSED** pending resolution of the criminal proceeding against Plaintiff in the Michigan state courts. Plaintiff is directed to notify the Court within thirty days of the state criminal proceeding's conclusion so the stay may be lifted.

**IT IS FURTHER ORDERED** that Defendants' motion to dismiss (ECF No. 11) is **DENIED**. Defendants may renew their motion to dismiss if the action is reopened.

Dated: February 26, 2025

/s/ Hala Y. Jarbou  
 HALA Y. JARBOU  
 CHIEF UNITED STATES DISTRICT JUDGE